INTRODUCED: September 10, 2018

AN ORDINANCE No. 2018-250

To authorize the special use of the property known as 310 West Brookland Park Boulevard for the purpose of a brewery, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: OCT 8 2018 AT 6 P.M.

WHEREAS, the owner of the property known as 310 West Brookland Park Boulevard, which is situated in a UB Urban Business District and the PE-7 Brookland Park Boulevard/North Avenue Parking Exempt Parking Overlay District, desires to use such property for the purpose of a brewery, which use, among other things, is not currently allowed by section 30-433.2 of the Code of the City of Richmond (2015), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2018), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create

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ADOPTED:	OCT 8 2018	REJECTED:		STRICKEN:	

congestion in streets, roads, alleys and other public ways and places in the area involved, will not create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air; and

WHEREAS, (i) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use, (ii) the City Planning Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (iii) the Council has conducted a public hearing on this ordinance at which the person in interest and all other persons have had an opportunity to be heard;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. Finding. Pursuant to section 30-1050.1 of the Code of the City of Richmond (2015), as amended, the Council hereby finds that the special use set forth in and subject to the terms and conditions of this ordinance will not (i) be detrimental to the safety, health, morals and general welfare of the community involved, (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, (iii) create hazards from fire, panic or other dangers, (iv) tend to overcrowding of land and cause an undue concentration of population, (v) adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, or (vi) interfere with adequate light and air.

§ 2. Grant of Special Use Permit.

(a) Subject to the terms and conditions set forth in this ordinance, the property known as 310 West Brookland Park Boulevard and identified as Tax Parcel No. N000-0971/016 in the 2018 records of the City Assessor, being more particularly shown on a survey entitled "Survey and Plat of The Western 90' of Lots 1, 2, & 3, Block 13, Brookland Park in the City of Richmond, VA," prepared by Edwards, Kretz, Lohr & Associates, PLLC, and dated May 29, 2018, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as "the Property," is hereby permitted to be used for the purpose of a brewery, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "Safety Team Brewing, 310 W Brookland Park Boulevard," prepared by Fultz & Singh, and dated August 21, 2018 hereinafter referred to as "the Plans," copies of which are attached to and made a part of this ordinance.

(b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as "the Owner." The conditions contained in this ordinance shall be binding on the Owner.

§ 3. **Special Terms and Conditions.** This special use permit is conditioned on the following special terms and conditions:

(a) The use of the Property shall be as a brewery with an accessory tasting room and outdoor areas, substantially as shown on the Plans. A restaurant also is permitted as an accessory use to the brewery.

(b) No fewer than three on-site parking spaces shall be provided on the Property for the Special Use, substantially as shown on the Plans.

(c) Production of the Special Use shall be limited to 10,000 barrels per year.

(d) Hours of operation of the interior of the Special Use shall end by 11:00 p.m., Sunday through Thursday, and by 12:00 a.m., Friday through Saturday. Hours of operation of the Outdoor Seating and Optional Roof Outdoor Space shall end by 11:00 p.m. daily.

(e) All building materials and elevations shall be substantially as shown on the Plans.

(f) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

§ 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:

(a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.

(b) Storm or surface water shall not be allowed to accumulate on the land. The Owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the Property so as not to adversely affect or damage any other property or public streets and the use thereof.

(c) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be located or screened so as not to be visible from adjacent properties and public streets.

(d) Any encroachments existing, proposed on the Plans or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond (2015), as amended, and all future amendments to such laws.

(e) The Owner shall make improvements within the right-of-way, including closing all unused driveway aprons and replacing such unused driveway aprons with curb and sidewalk to match the existing materials adjacent to the apron, alley repair, and installation of a new concrete alley apron where the alley intersects with Brookland Park Boulevard, which improvements may be completed in one or more phases as approved by the Director of Public Works. All improvements and work within the public right-of-way shall be (i) completed in accordance with the requirements of the Director of Public Works, (ii) considered completed only upon written confirmation by the Director of Public Works that such improvements and work are in accordance with such requirements, and (iii) transferred to the City, following the written confirmation by the Director of Public Works, pursuant to a transfer of interest document approved as to form by the City Attorney and accepted by the Chief Administrative Officer or the designee thereof on behalf of the City. The Chief Administrative Officer or the designee thereof, for and on behalf of the City, is hereby authorized to accept, in the manner for which this subsection provides, all improvements and work required by and meeting the requirements of this subsection. The final certificate of occupancy shall not be issued for the Property until all requirements of this subsection are fully satisfied.

(f) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.

§ 5. General Terms and Conditions. This special use permit is conditioned on the following general terms and conditions:

(a) No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the Property have been paid.

(b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.

(c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (2015), as amended, unless the context clearly indicates that a different meaning is intended.

(d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.

(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2015), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2015), as amended, and all future amendments to such law, or any other applicable laws or regulations.

(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 6. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days following the date on which this ordinance becomes effective. If either the application for the building permit is not made within the time period stated in the previous sentence or the building permit terminates under any provision of the Virginia Statewide Building Code, this ordinance and the special use permit granted hereby shall terminate and become null and void.

§ 7. Effective Date. This ordinance shall be in force and effect upon adoption.

City of Richmond

Item Request File Number: PRE.2018.310

900 East Broad Street 2nd Floor of City Hall Richmond, VA 23219 www.richmondgov.com

O & R REQUEST 4- **B**080 AUG 1 5 2018

Office of the Chief Administrative Officer

O & R Request

AUG 29 2018 DATE: August 13, 2018 **EDITION:1** TO: The Honorable Members of City Council THROUGH: The Honorable Levar M. Stoney, Mayor (This is no way reflects a recommendation on behalf of the Mayor.) THROUGH: Selena Cuffee Glenn, Chief Administrative Officer THROUGH: Douglas C. Dunlap, Interim Deputy Chief Administrative Officer for Economic Development and Planning Mark A. Olinger, Director, Department of Planning and Development Review FROM: To authorize the special use of the property known as 310 Brookland Park Boulevard for the RE: purpose of a brewery, upon certain terms and conditions. ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 310 Brookland Park Boulevard for the purpose of a brewery, upon certain terms and conditions.

REASON: The applicant has proposed the construction of a building for use as a brewery. The property is located in the UB-PE7 (Urban Business with Parking Exempt Overlay) District, which permits a variety of commercial uses but does not permit breweries. A special use permit is therefore required.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its October 1, 2018, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The property is located in the North Planning District near the intersection of Brookland Park Boulevard and Fendall Avenue. The property has a land area of 8,550 SF and is improved with a four bay self-serve car wash that is no longer in operation.

The property is located in the UB-PE7 (Urban Business with Parking Exempt Overlay) District, which encompasses the West Brookland Park Boulevard corridor in the area. Properties to the north of the subject property are located in the R-6 Single-Family Attached Residential District. A mix of commercial, mixed-use, vacant and residential land uses are present along the West Brookland Park Boulevard corridor in the vicinity of the subject property. The residential neighborhood to the north of the corridor consists mainly of single- and two-family residential uses.

Per the Zoning Ordinance, the intent of the UB Urban Business District is to encourage business areas with a densely developed pedestrian-oriented urban shopping character, compatible with adjacent residential neighborhoods, and with minimal disruption from vehicle-oriented land uses and features that would detract from a safe, convenient and economically viable pedestrian environment. The district is intended to promote continuity of storefront character along principal street frontages, with minimum interruption by driveways and vehicle traffic across public sidewalk areas. The regulations within the district are intended to preserve the predominant scale and character of existing urban shopping areas, promote retention of existing structures and encourage that new development be compatible with such existing areas and structures.

The proposed brewery and tasting room will be housed in a newly constructed 6,500 square building that will replace the existing improvements. An outdoor seating area is proposed at the corner of the alley and Brookland Park Boulevard. The majority of the proposed brewery production will be sold and consumed onsite in a tasting room with a limited amount sold for offsite distribution and consumption. Anticipated production will be limited to 3,000 barrels per year.

The City's Master Plan recommends Community Commercial land uses for the property. Primary uses included office, retail, personal service and other commercial and service uses, intended to provide the shopping and service needs of residents of a number of nearby neighborhoods or a section of the City. This category includes a broader range of uses of greater scale and intensity but are also compatible with nearby residential areas (page 134). Recommended zoning districts to accommodate this land use classification include the UB District.

FISCAL IMPACT / COST: The Department of Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

FISCAL IMPLICATIONS: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: \$2,400 application fee

DESIRED EFFECTIVE DATE: Upon Adoption

REQUESTED INTRODUCTION DATE: September 10, 2018

CITY COUNCIL PUBLIC HEARING DATE: October 8, 2018

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, October 1, 2018

AFFECTED AGENCIES: Office of Chief Administrative Officer Law Department (for review of draft ordinance) City Assessor (for preparation of mailing labels for public notice)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Application Form, Applicant's Report, Draft Ordinance, Plans, Survey, Map

STAFF: David Watson, Senior Planner Land Use Administration (Room 511) 646-1036

PDR O&R No. 18-53



Application for SPECIAL USE PERMIT Department of Planning and Development Review Land Use Administration Division 900 E. Broad Street, Room 511 Richmond, Virginia 23219 (804) 646-6304 http://www.richmondgov.com/

Application is hereby submitted for: (check one) 🖸 special use permit, new

- special use permit, plan amendment
- special use permit, text only amendment

Project Name/Location

Property Adress: 31	10 W Brookland Park Boulevard	_Date:	05/04/2018
Тах Мар #: носоозтина	Fee: \$2.400		
Total area of affect	ted site in acres, 0.196 acres	_	

(See page 6 for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: UB-PET

Existing Use: Vacant non-reantenning care weath

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)

Existing Use: Vacani non-conforming car wash

No

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is this property subject to any previous land use cases?

Yes

Browery

If Yes, please list the Ordinance Number:

Applicant/Contact Person: Lory Manham

Company: Masham Planneg					
Mailing Address: 2314 W. Man Street					
City: Richmond	State: vi Zip Code: 20220				
Telephone: (804) 248-2561	Fax _()				
Email: toyy@manthamplanning.com					

Property Owner: 310 W Brookland Park Bird LLC

If Business Entity, name and title of authorized signee: <u>corvere</u>

(The person or persons executing or attesting the execution of this Application on behalf of the Company certifies that he or she has or have been duly authorized and empowered to so execute or attest.)

Mailing Address: P.O. Box 14909	
City: Retwood	State: va Zip Code: 2221
Telephone:	Fax: _()
Email: oxperiormanesgroupske@gnist.com	
A	
Property Owner Signature: Coup Wanel, Man	nager

Property Owner Signature: Wey Momen

The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. Faxed or photocopied signatures will not be accepted.

NOTE: Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)



June 18, 2018

Mr. Mark Olinger, Director Department of Planning & Development Review 900 East Broad Street, Suite 511 Richmond, VA 23219 <u>Mark.Olinger@richmondgov.com</u>

RE: Applicant's Report for Special Use Permit Application at 310 W Brookland Park Blvd

Dear Mr. Olinger,

Please accept this letter as the Applicant's Report for the Special Use Permit (SUP) application for the property at 310 W Brookland Park Boulevard. With this application, 310 W Brookland Park Blvd LLC is petitioning the City Council for a Special Use Permit to authorize a brewery with outdoor dining in the UB-PE7 (Urban Business with Parking Exempt Overlay) District.

Site

The property is located in the North Planning District at the northwest corner of W Brookland Park Blvd and Fendall Ave. The property has a land area of 8,550 square feet and is zoned in the UB-PE7 (Urban Business with Parking Exempt Overlay) District. This property is currently improved with a nonconforming self-service car wash facility with four bays constructed in 1950. This facility is in deteriorated condition. The property is also located in the Brookland Park Blvd commercial area which contains a variety of businesses including numerous restaurants and food shops.

Zoning and SUP Ordinance Conditions

The property is located in the UB-PE7 (Urban Business with Parking Exempt Overlay) District. The UB district permits commercial uses to promote a densely developed pedestrian-oriented urban shopping character. Permitted uses include restaurants, tearooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including entertainment in conjunction with the use. Outdoor dining is also permitted provided that the area is situated 100 feet or more from an R District property.

> MARKHAM PLANNING 2314 West Main Street · Richmond, Virginia 23220 (804) 248-2561

Proposal

We proposed to develop a brewery concept that is specifically scaled for the Brookland Park Blvd commercial area. The planned brewery would be contained in a newly constructed building with approximately 6,500 square feet of floor area. The brewery would operate with less than 3,000 barrels of annual production and limited off-site distribution. Operating hours are proposed to end by 11pm Sunday-Thursday, and midnight on Friday-Saturday. There is an outdoor dining area proposed at the corner of the alley and Brookland Park Boulevard to offer pedestrian friendly activity and additional "eyes on the street". Off-street parking spaces are also proposed in addition to the numerous on-street parking spaces available along Brookland Park Blvd. Although, there are no plans to have food service with the brewery use, we would like to include the possibility of food service within the space in the future as restaurants are already a permitted use in the underlying UB district.

Additionally, the UB district was created specifically to promote pedestrian-oriented commercial uses that are appropriate to a neighborhood scale. The proposed building would replace the existing car wash facility which currently disrupts the continuous storefronts of the commercial area. Moreover, the proposed building would be situated adjacent to the street with minimal setback, and its open interior design with large storefront windows would significantly contribute to the streetscape of this section of Brookland Park Blvd.

In terms of impact to the neighborhood and land use intensity, the small-scale production and on-site only sales make this proposal essentially equivalent to a restaurant use which is permitted in the UB District. Similar developments have proven to be appropriate and beneficial to other urban, neighborhood-scale commercial areas throughout the City.

Master Plan

The City's Master Plan recommends Community Commercial land uses for the property. Primary uses included office, retail, personal service and other commercial and service uses, intended to provide the shopping and service needs of residents of a number of nearby neighborhoods or a section of the City. This category includes a broader range of uses of greater scale and intensity, but are also compatible with nearby residential areas (page 134). Recommended zoning includes UB in which restaurants are a permitted use. As previously mentioned, the scope of the proposed development makes this brewery similar to a restaurant use in terms of impact to the neighborhood.

City Charter Conditions

This is a unique opportunity to bring new neighborhood services to the Brookland Park Blvd commercial area and improve a deteriorated, automobile-oriented use with one that promotes a more pedestrian friendly and vibrant streetscape. We trust that you will agree with us that this proposed SUP meets the City Charter criteria for the granting of SUPs as the project will not (i) be detrimental to the safety, health, morals and general welfare of the community involved; (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved; (iii) create hazards from fire, panic or other dangers; (iv) tend to overcrowding of land and cause an undue concentration of population; (v) adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements; or (vi) interfere with adequate light and air.

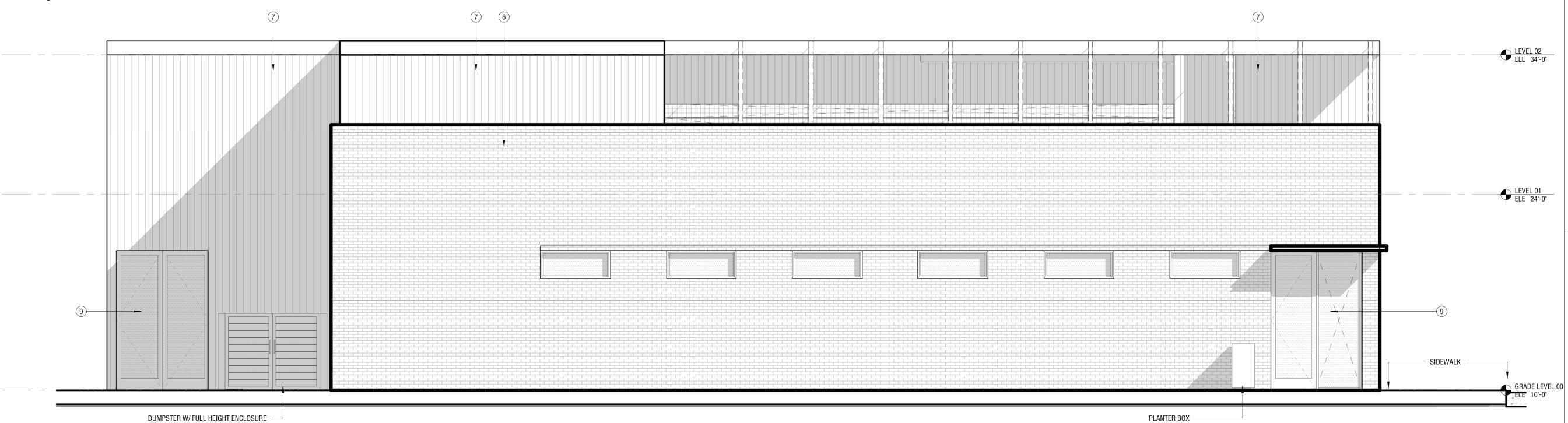
310 W Brookland Park Blvd June 18, 2018 Page 2 Thank you for your consideration of this application. Please feel free to contact me at <u>lory@markhamplanning.com</u> or (804) 248-2561 if you have any questions or require additional materials to process the application.

Very Truly Yours, Lory Markham

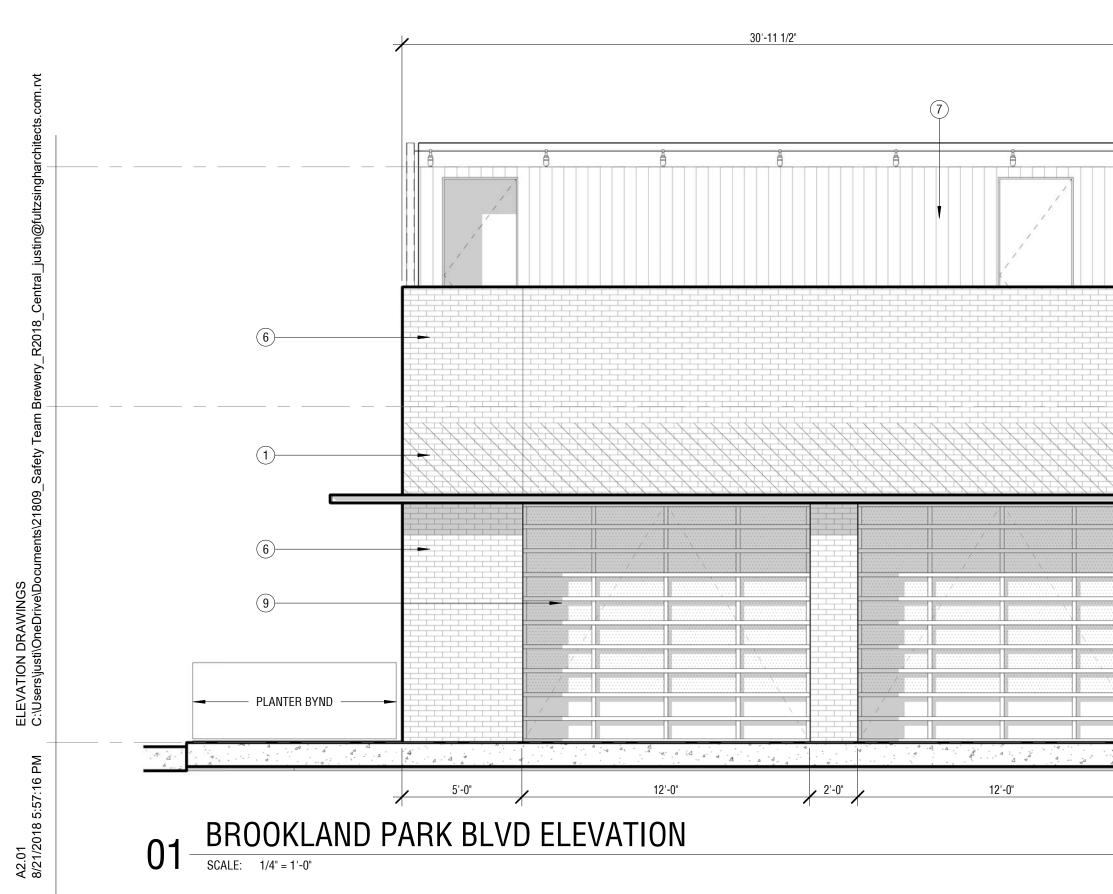
Enclosures

cc: The Honorable Chris A. Hilbert Matthew Ebinger, Secretary to the City Planning Commission









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fultzsingharchitects.com 3412 W LEIGH STREET SUITE 200 RICHMOND VA 23230

GENERAL SHEET NOTES

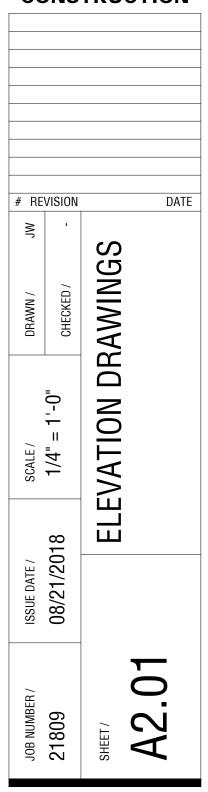
PLAN NOTES

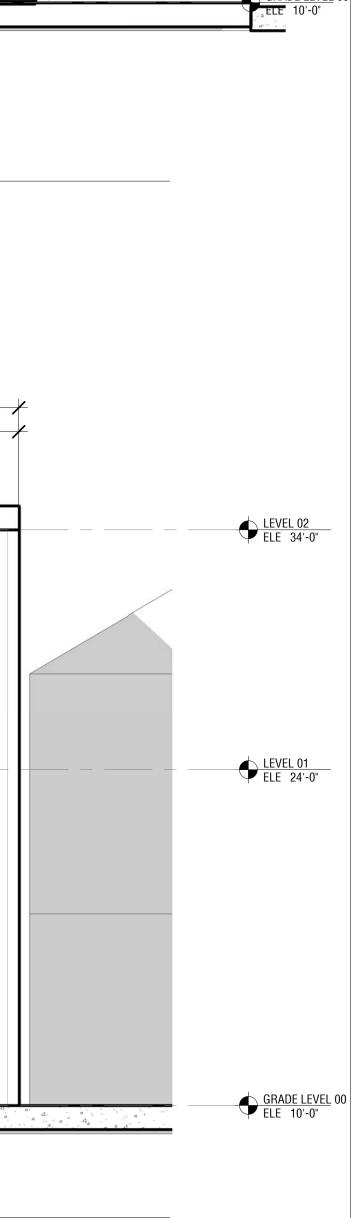
- 1 ALL BUILDING SIGNAGE TO MEET CURRENT ZONING REQUIREMENTS
- REAR ACCESS PROVIDED FOR MATERIAL DELIVERY & ALLEY PARKING TURNAROUND
- FRONT PATIO SEATING AREA ENCLOSURE TO MEET ABC AND ZONING REQUIREMENTS FOR SCREENING / BARRIER PURPOSES TO PUBLIC SIDEWALK
- 4 CODE STANDARD LIGHTING TO BE PROVIDED ALONG ALLEY PARKING
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- WALL SURFACE 02: ARCHITECTURAL PANEL SYSTEM: ALUMINUM, ZINC, OR SIMILAR
- WALL SURFACE 03: ARCHITECTURAL PANEL SYSTEM / BRANDING WALL: ALUMINUM, ZINC, PAINTED STEEL OR SIMILAR
- 9 STOREFRONT / GARAGE DOOR OPENING ALUMINUM & GLASS PATIO EGRESS STAIR W/ ACCESS CONTROL @ BOTTOM FOR NON-BUSINESS HOURS [PHASE 2] 10

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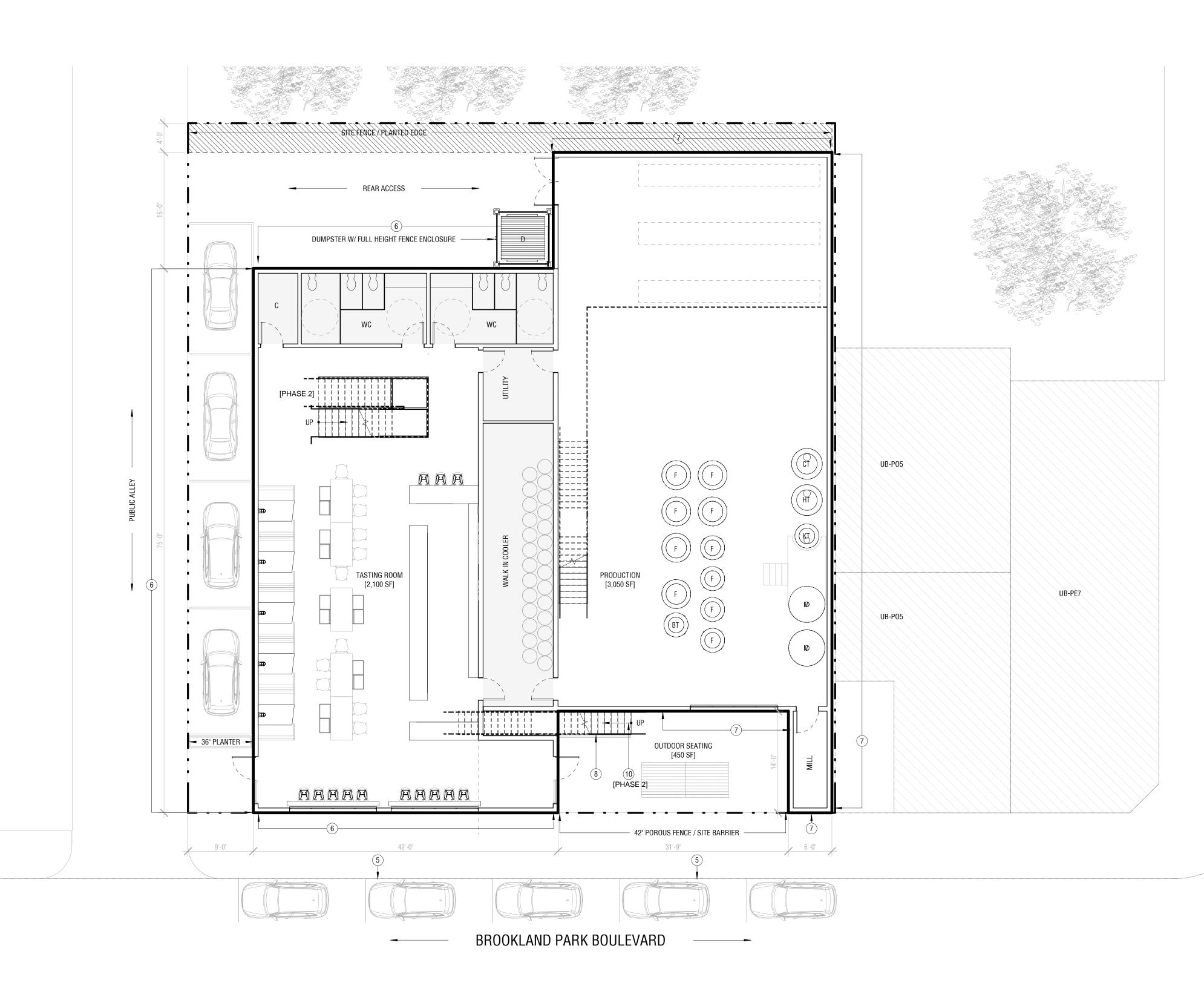
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◎ 2018_ FULTZ & SINGH ARCHITECTS PLLC





ROOM SCHEDULE_SHEET



fultzsingharchitects.com 3412 W LEIGH STREET SUITE 200 RICHMOND VA 23230

GENERAL SHEET NOTES

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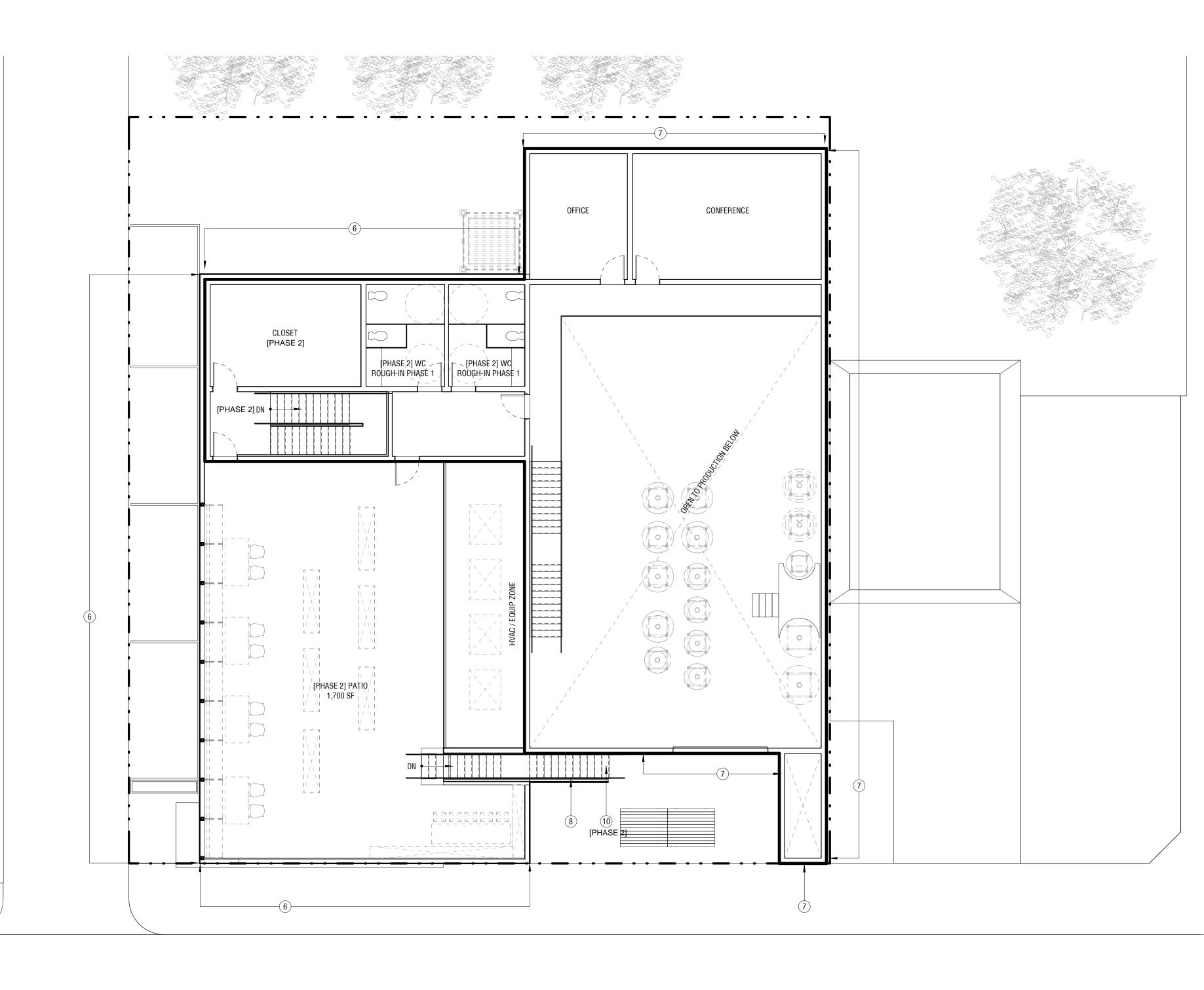
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fultzsingharchitects.com 3412 W LEIGH STREET SUITE 200 RICHMOND VA 23230

GENERAL SHEET NOTES

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